

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ARIF AND RIPIKA FAZAL

v.

GREAT LAKES REINSURANCE (UK)
PLC

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§
§
§

Civil Action No.: 4:15-cv-761

NOTICE OF REMOVAL

Defendant, Great Lakes Reinsurance (UK) SE, formerly known as Great Lakes Reinsurance (UK) PLC (“Great Lakes”), files its Notice of Removal of this dispute to the United States District Court for the Northern District of Texas, Fort Worth Division, and respectfully would show as follows:

I. GROUNDS FOR REMOVAL

1. This case is removable to this Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

2. Plaintiffs, Arif and Ripika Fazal, are individuals residing at 909 Winterwood Court, Arlington, Tarrant County, Texas.

3. Great Lakes is a foreign insurance company and maintains its principal place of business in the United Kingdom.

4. As described more fully below, Plaintiffs seek to recover an amount in excess of \$75,000, excluding interest and costs, from Great Lakes in a state court action.

II. NATURE OF THE PENDING STATE CASE

5. On or about August 21, 2015, Plaintiffs filed a civil action against Defendant styled *Arif and Ripika Fazal v. Great Lakes Reinsurance (UK) PLC* under Cause No. 017-280524-15, in the 17th Judicial District Court of Tarrant County, Texas.

6. That matter is an insurance dispute, wherein Plaintiffs allege in their Original Petition that their property, located at 909 Winterwood Court, Arlington, Tarrant County, Texas, and insured under a policy issued by Defendant, sustained incredible damage during storm related conditions occurring on or about October 2, 2014. Plaintiffs further allege, *inter alia*, that Defendant committed negligence and breached that contract of insurance with Plaintiff, along with the duty of good faith and fair dealing, in Defendant's investigation and handling of Plaintiffs' claims.

7. The name and address of the court from which the case is being removed is:

17th Judicial District Court
Tarrant County Courthouse
100 N. Calhoun
Fort Worth, Texas 76192-0402

8. Defendant has attached hereto the documents required to be filed with this Notice of Removal pursuant to LR 81.1.¹ Note, Defendant has requested the Docket Sheet from the state court, but despite filing a request for that Docket Sheet, Defendant has not yet received that item from the State Court Judge; Great Lakes will supplement the record with that Docket Sheet as soon as the State Court Judge grants the request for its release. The Certificate of Interested Persons will be filed separately.

II. JURISDICTION

9. Pursuant to 28 U.S. Code § 1441(a), Defendant removes this action to the District Court of the United States for the Northern District of Texas, Fort Worth Division, because it is the District and Division embracing the place where such action is pending. In support thereof,

¹ Completed Civil Cover Sheet, attached hereto as Exhibit "A"; Supplemental Civil Cover Sheet as Exhibit "B"; Plaintiffs' Original Petition and Process, attached hereto as Exhibit "C"; Index of Matters Being Filed, attached hereto as Exhibit "D"; List of All Counsel of Record, attached hereto as Exhibit "E"; and, Docket Sheet from the State Court action, attached hereto as Exhibit "F".

Defendant would show that this action is between citizens of different states, and the amount in controversy exceeds \$75,000.00.

10. Plaintiffs, residents of Texas,² brought suit against Great Lakes, an insurance company domiciled in the United Kingdom, seeking recovery for these alleged property damages, as well as for treble damages, statutory damages, and attorneys' fees, in excess of \$100,000.00.³

11. Because Plaintiffs and Defendant are citizens of different states and because Plaintiffs seek to recover an amount exceeding \$75,000.00 exclusive of interest and costs, removal is therefore proper under 28 U.S.C. § 1332(a).

III. TIMING OF REMOVAL

12. Defendant was served with Plaintiffs' Original Petition on or about September 30, 2015. This Notice of Removal is being filed within 30 days of service of the petition upon Defendant pursuant to 28 U.S.C. § 1446(b).

13. This Notice is filed less than one year after commencement of the action, pursuant to 28 U.S. Code § 1446(c).

14. This Notice is therefore timely filed.

IV. NOTICE TO ADVERSE PARTIES AND STATE COURT

15. As the removing party, Defendant will give Plaintiffs prompt written notice of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

16. Defendant will also file a copy of this Notice of Removal with the 17th Judicial District Court of Tarrant County, Texas, where the state court action is currently pending, as required by 28 U.S.C. § 1446(d).

² Exhibit "B," at pg. 2, ¶ 3.

³ Exhibit "B," at pg. 16 ¶70.

V. ANSWER

17. Defendant has not filed any responsive pleadings in the state court action, except the Notice of Removal as required by the Federal Rules of Civil Procedure. Defendant will file its Answer to Plaintiffs' lawsuit in the near future.

VI. JURY DEMAND

18. Defendant hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VII. CONCLUSION AND PRAYER

19. In light of the foregoing, Defendant respectfully removes this civil action styled *Arif and Ripika Fazal v. Great Lakes Reinsurance (UK) PLC* originally pending as Cause No. 017-280524-15, in the 17th Judicial District Court of Tarrant County, Texas.

20. Defendant prays for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

/s/ Les Pickett

Les Pickett

"Attorney-in-Charge"

Federal I.D. No. 14306

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served to the following via certified mail, return receipt requested on October 9, 2015:

Via CMRRR 9171 9690 0935 0056 8029 90

Bill L. Voss

Scott Hunziker

Bryan Beverly

The Voss Law Center

26619 Interstate 45

The Woodlands, Texas 77380

/s/ Les Pickett

Les Pickett